

REGION 1**Hot Issues****Norwalk's Water Pollution Control Facility**

- An Order on Consent has been entered into to resolve unauthorized discharges from the facility's sanitary sewer collection system and its wet weather outfall.
 - Between 2012 and 2016 the city discharged untreated sewage from various components of its collection system to the Five Mile River, the Norwalk River, Norwalk Harbor, Keeler Brook and Long Island Sound.
 - The Order requires Norwalk to develop and implement a Capacity, Management, Operations and Maintenance program.
 - Between 2014 and 2015 the facility discharged *Enterococci* bacteria from its wet weather outfall to the Norwalk River, in excess of criterion provided by Connecticut's Water Quality Standards.
 - To reduce the concentration of bacteria in discharges during wet weather, the order requires the city to develop, submit for approval, and implement a control plan.
 - The state of Connecticut is supportive of this action.

Upcoming Public Events**Keefe Environmental Services Superfund Site, Epping, NH**

- A public hearing will be held at the Town Hall on Monday of next week. Oral and written public comments on the proposed cleanup plan will be accepted. The comment period runs to September 13.
- The proposed plan presents EPA's amendment to change the remedy from extraction and treatment of groundwater contaminated with VOCs (performed in accordance with the 1988 ORD) to Monitored Natural Attenuation (MNA).

JFK Middle School, Enfield, CT

- A Region 1 staff member will attend a public meeting on August 24 for faculty, staff and parents of students at JFK Middle School to provide information and address questions on PCB issues at the school.

Upcoming Major Decisions

None

Highlights from Last Week**State Drinking Water Primacy Approvals**

- Region 1 awarded primacy approval for ten Safe Drinking Water Act rules among the states of Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont.
- The regulations provide public health protection against lead, radionuclides and *Cryptosporidium* and *Giardia*.
- Combining these actions into one component has resulted in better efficiency and cost reduction.

REGION 2**Upcoming Hot Issues and Important Deadlines**

- Discussions concerning discharge of treated water from the Fibers Public Supply Wells Superfund Site to the PREPA-owned Patillas Irrigation Canal in Guayama, PR. On August 21, Region 2 met with the Director of the Puerto Rico Electric Power Authority (PREPA) and the President of the Puerto Rico Environmental Quality Board. The subject of the meeting was EPA's request that PREPA accept the roughly 400,000-500,000 gallons per day of treated water discharged from the air stripper at the Fibers Public Supply Wells Superfund Site. The groundwater remedy at that Site, selected in a 1991 Record of Decision, and the associated 1992 consent decree, call for the Fibers Site Group to extract contaminated groundwater, treat it, and discharge it for beneficial use in accordance with Puerto Rico law. Discharges from the Site began in 1999 and were sent for beneficial use to a now-closed industrial facility that had commensurately reduced pumping from the aquifer. After examining numerous replacement options, EPA now believes that discharge to the Canal is the most appropriate beneficial use of the water, in that the water in the Canal both directly recharges the severely depleted aquifer in southern Puerto Rico, and replaces well water that would otherwise be extracted by users along the path of the Canal. In the meeting, PREPA expressed concerns about: 1) the adequacy of existing data and analyses showing that the treated water from the site is safe; 2) its need for assistance in informing the public about use of the treated water if it finds such use to be acceptable; and 3) achieving acceptable contractual terms from the Fibers Site Group in order to allow the connection. Further staff discussions to address these concerns are ongoing.
- Eastern Long Island Sound Dredged Material Disposal Site (ELIS). NYS has filed a lawsuit against EPA in the U.S. District Court for the Eastern District of New York challenging EPA's decision to designate a dredged material disposal site in eastern Long Island Sound. Defendants are EPA, Administrator Pruitt and Region 1 Acting Regional Administrator Szaro. NYS alleges that the designation violates the Marine Protection, Research and Sanctuaries Act, the Coastal Zone Management Act and the Administrative Procedure Act. Region 1 has the lead for the response and is coordinating with Region 2.

Upcoming Public Events

- Site Tour with Congressman Frelinghuysen. On September 19, 2017 Acting RA McCabe and Acting DRA Mugdan will accompany Congressman Rodney Frelinghuysen on his annual tour of Superfund sites in his district.

Past Week Accomplishments

- Proposed Consent Decree Lodged with District Court in TSCA Enforcement Action. On August 17, 2017, the United States Attorney's Office for the Southern District of New York lodged a proposed Consent Decree to resolve the claims of the United States against Bronx contractor, Accolade Construction Group Inc. ("Accolade"), and its owner, Faisal Ahmed ("Defendants"). The settlement results from a Complaint filed in July 2015, which alleged that Accolade had violated TSCA regulations, promulgated to prevent lead-based paint exposure (the "RRP Rule"), while conducting residential renovations at six locations in the New York City metropolitan area. The RRP Rule seeks to protect residents and their children from lead paint exposure in the home, the chief source of lead poisoning in the United States. This program is not delegated to the State of New York, and the City of New York brought the matter to EPA's attention. The Complaint alleged that Accolade had failed to: use workers trained in lead-safe renovation practices; seal off work areas to prevent lead dust from spreading; warn building owners and occupants of the risks of lead exposure from the renovations; and comply with a previous administrative Consent Agreement signed in 2013 resolving similar violations. The settlement requires the disgorgement of \$58,000 in proceeds the Defendants had

garnered from the work that led to the violations. In addition, the proposed Consent Decree requires Defendants to perform significant injunctive relief, subject to stipulated penalties, prior to engaging in future work covered by the RRP Rule. This relief includes attending training and obtaining certification required by the RRP Rule, developing a comprehensive compliance plan, and notifying EPA of each RRP-covered job prior to commencement. Defendants will also be responsible for their contractors' and subcontractors' compliance with all applicable RRP regulations at Defendants' job sites and required to submit periodic reports with records demonstrating continuing compliance for the five-year term of the Consent Decree.

REGION 3**Hot Issues****Wheelabrator Clean Air Permit**

PADEP issued a draft Clean Air Act permit for a Wheelabrator plant (in Frackville, PA) on 5/21/16 for public review. Sierra Club and Environmental Integrity Project (SC/EIP) sent comments to PADEP on the permit. EPA Region 3 received a draft on 7/6/16 and initially (inadvertently) posted the permit as “proposed” on EPA’s website but later removed it due to regional comments on permit. SC/EIP nevertheless submitted a Title V Petition seeking EPA to object to the Wheelabrator permit for monitoring issues. SC/EIP filed a notice of intent to sue on 12/22/16 when EPA didn’t act on the Petition and filed a complaint on 7/24/17 in US Dist. Court in DC seeking EPA to act on its Petition (as EPA had duty to act on petition w/in 60 days).

EPA has been working with DOJ on an Answer to the Complaint (a mandatory duty lawsuit). EPA discussed with PADEP and PA intends to issue a revised “proposed” Title V CAA permit (for Wheelabrator) for EPA’s review this August. Such a revised “proposed permit” will permit SC/EIP to submit another Title V petition if their monitoring concerns continue. EPA wanted to pursue a potential stay or dismissal of litigation, but Plaintiffs were not amenable. DOJ plans to file an Answer to the Complaint by Sept. 25. Prior to Sept. 25, Region 3, OGC and OAQPS would like to proceed with a **denial** of the SC/EIP Title V Petition on Wheelabrator permit on procedural grounds as EPA did not receive an “official” Title V “proposed permit” from PaDEP and another Proposed Permit will moot Plaintiffs’ claims. Region 3, OGC and OAQPS would like to have an Order responding to the Petition denying the petition on such procedural grounds by Sept 15, 2017. Region 3 is drafting the denial in coordination with OGC and OAQPS.

Upcoming Targeted Brownfield Assessment in Romney, West Virginia

Region 3’s Brownfields and Land Revitalization Branch will conduct a Targeted Brownfield Assessment (TBA) at the Former Romney Memorial Hospital, located in Hampshire County, West Virginia. In support of the project, the West Virginia Department of Environmental Protection (WVDEP) requested Region 3 conduct the TBA on behalf of Hampshire County Commission Office (HCCO) and the Hampshire County Development Authority (HCDA). The Site consists of a former hospital and surrounding land. The property is expected to be transferred to the HCDA. As a result, and as part of the TBA project, Region 3 will conduct a Phase I Assessment of the Site to facilitate the property transfer and to ensure compliance with the All Appropriate Inquiry Rule (AAI). AAI affords prospective purchasers under the Brownfields law CERCLA liability protection. Once the Phase I is complete, Region 3 will likely conduct Phase II Assessment activities to further investigate the Recognized Environmental Conditions found during the Phase I Assessment. The data collected during the TBA will be shared with the WVDEP, so that the appropriate next steps can be determined after the TBA. The future use of the property is a child care and learning academy center.

Washington, D.C. Receives Innovation Award for Green Workforce Development Programs

Washington, D.C. was recognized with a 2017 Innovation Award by the Environmental Council of the States (ECOS) for the district’s green workforce development programs. Through green workforce development programs, the district is preparing residents for entry into the job market, creating a pipeline to employment, and supplying employers with a well-trained, qualified workforce. Since Mayor Muriel Bowser took office in 2015, more than 1,000 young people have participated in the district’s programs, with many participants going on to land jobs in the fields of energy and environment. **The Green Zone Environmental Program** is one of the nation’s largest summer green jobs training programs for youth and young adults. Every summer, the Department of Energy and Environment partners with the Department of Employment Services and the Mayor Marion S. Barry Summer Youth Employment Program to provide over 300 young Washingtonians, ages 14 to 24, with an opportunity to learn about

energy and environmental issues, complete community-based environmental work projects, and prepare for careers. ECOS is a national non-profit, non-partisan association of state and territorial environmental agency leaders. The 2017 State Program Innovation Awards will be presented this fall in Jackson Hole, Wyoming.

Upcoming Public Events

None

Past Events

Region 3 State Secretaries Meeting

Region 3 State Secretaries Meeting was held on Thursday, August 24 to be held in the regional office. Ken Wagner, Richard Yamada and Bruce Rodan attended.

REGION 4**Hot Issues*****Chemical Release to Cape Fear River (Chemours Facility) – ENFORCEMENT CONFIDENTIAL***

Key Message: Chemours (formerly DuPont) manufactures the chemical GenX, a processing aid that enables the production of high-performance fluoropolymers without the use of perfluorooctanoic acid (PFOA). The free acid GenX precursor chemical has been found in the Wilmington, NC, drinking water system.

- **(Update)** On August 22, 2017, Region 4 participated in a meeting with OECA and Office of Water to discuss the OECA Enforcement Options Paper. Analytical results of the novel compounds (other than GenX) found in the Cape Fear River are expected soon.
- **(Update)** NCDEQ plans to issue a press release today which states that test results show concentrations of the unregulated chemical GenX in all treated water samples collected by the state during week four of sampling remained below the 140 parts per trillion health goal set by the N.C. Department of Health and Human Services.

Ensystex, II Imports Matter – ENFORCEMENT CONFIDENTIAL

Key Message: EPA Region 4 issued a Stop Sale, Use or Removal Order (SSURO) to allow Ensystex, II to relabel a Federal Insecticide, Fungicide, and Rodenticide Act noncompliant imports shipment and achieve compliance.

- On July 6, 2017, Ensystex, II submitted a Notice of Arrival (NOA) to Region 4 to import the restricted use pesticide product Zythor into the country. Region 4 determined that the shipment bore misbranded labels and denied the NOA on July 7, 2017. After consulting with the company, on July 27, 2017, Region 4 issued a SSURO to Ensystex, II for the sale and distribution of an imported shipment of the misbranded restricted use Zythor. The SSURO allowed Ensystex to relabel the product.
- **(Update)** On August 23, 2017, the Region vacated the SSURO and the company may now resume the sale and distribution of the shipment.

TVA Gallatin Title V Petition

Key Message: On May 15, 2017, the Sierra Club filed suit against the EPA's Administrator citing the Agency for failure to respond to the Sierra Club Title V petition objecting to the TVA Gallatin permit. EPA filed its response on July 21, 2017. The court subsequently issued a "Minute Order" directing the parties to meet and confer and by August 4, 2017, to jointly file a proposed schedule for summary judgment briefing, or state reasons why this matter cannot proceed immediately to briefing. The Department of Justice (DOJ), on behalf of EPA, timely filed a response asking for a stay while the Tennessee Department of Environment and Conservation (TDEC) completes the final permit which will address a portion of the issues raised by the Sierra Club.

- **(Update)** Sierra Club filed an opposition to our motion for a stay, and EPA has until August 25, 2017, to respond. DOJ is drafting a response which will include an updated schedule from TDEC for issuing the permit.
- TDEC received additional comments from the Sierra Club prior to the close of the public comment period last week. Under the revised schedule by mid-September the State will respond to those comments and provide EPA with the proposed permit for our 45-day review.
- Sierra Club also filed a petition for summary judgement in which they ask for a 60-day schedule starting from the date the Court issues the Order in this case. DOJ will respond to this petition after the Court decides whether to grant EPA's request for a stay.

Fairfax Street Wood Treating, Jacksonville, FL

Key Message: On August 22, Region 4 finalized the Record of Decision for this former wood treating facility located in Jacksonville, Florida and surrounded by an environmental justice community.

- The selected remedy is excavation and off-site treatment and disposal of contaminated soils including on the facility property (25,000 CY) and residential properties around the site (10,500 CY), sediments from the on-site retention pond (1,000 CY), contaminated demolition debris (2,000 tons), and residual waste material in pipes and drains.
- The estimated cost of the remedy is \$7.9M.

Escambia Wood - Pensacola, Pensacola, FL

Key Message: On August 17, 2017, the Escambia County Commission voted to approve the Memorandum of Agreement (MOA) with the Florida Department of Environmental Protection (FDEP) for the transfer of the Escambia Wood Treating property.

- The next steps are for EPA and FDEP to revise the State Superfund Contract (SSC) and for EPA to revise the transfer deed for the County to sign. When the transactions are complete the County will own the 70 acres now owned by EPA.
- The property transfer will allow the County to create the “Midtown Commerce Park”, the result of many years of collaboration between the EPA, FDEP, Escambia County, the City of Pensacola, and the community.

Mississippi Phosphates Corporation Site, Pascagoula, MS

Key Message: Work continues at the site following the bypass effort.

- From August 10th through August 17th, the combined mechanical and in-situ treatment systems treated approximately 27.21 million gallons of water. Discharges of treated wastewater have been coming from the Pond 6 in-situ wastewater treatment plant (ISWWTP). Lime sludge was removed from the ISWWTP during this period of time to increase overall treatment capacity.
- Work continues to dewater and prepare Pond 6 for future use as an emergency containment system. Crews continue to address vegetation growth around the storage ponds and operational areas.
- Sinkhole repair at the West Stack due to Tropical Storm Cindy impacts commenced on August 7th. The repairs are anticipated to take approximately one month to complete. The collection sump was installed and became operational on August 11th. Additional construction on the sump needs to be completed, but the sump remains operational.

Upcoming Public Events

None this week

Upcoming Major Decisions

None this week

Last Week Highlights***Knoxville – 1997 (annual) and 2006 (daily) PM2.5 Standards***

Key Message: EPA worked collaboratively with the State of Tennessee to redesignate to attainment the Knoxville Area for the 1997 (annual) and 2006 (daily) PM2.5 National Ambient Air Quality Standards (NAAQS).

- On August 16, 2017, the Acting Region 4 Administrator signed a final rulemaking approving the redesignations (and supporting maintenance plans) for both the 1997 and 2006 PM2.5 NAAQS for the Knoxville Area.
- On August 28, 2017, the final rulemaking approving the redesignation and supporting maintenance plan for the 2006 PM2.5 NAAQS is scheduled to be published.

REGION 5**Hot Issues****Region 5 and IDEM Discussed Indiana Harbor Confined Disposal Facility Options with East Chicago Community Members**

Key Message: In an effort to be more responsive to community members concerns, EPA and IDEM developed alternative options for disposal of the dredged material.

Local community members have opposed an EPA and IDEM permit to dispose PCB contaminated dredged material in a combined disposal facility in East Chicago. In response to concerns, EPA and IDEM developed alternative options and met with a small group of community members on August 21, to gauge their reaction. During the meeting EPA and IDEM explained that the agencies are exploring the possibility of removing the PCB hot spots and disposing of this material in a commercial hazardous-waste landfill – not in the CDF located in East Chicago. This alternative would not include removing all the hot spots from the canal, but would instead include capping those spots to eliminate the exposure pathway. The community members were supportive of the general approach for off-site disposal. They planned to inform the broader community group that dialogue still continues on the issue. The community leaders were asked to not share the “off-site information” until EPA and IDEM confirm the decision to pursue this alternative. We hope that community members will see this innovative solution as delivering on the Administrator’s promise.

On August 22, EPA held a conference call with staff from Senators Donnelly and Young’s office and Representative Visclosky’s office to inform them of the results from the community meeting. The Corps has been informed that we will respond to their permit application once we gather additional.

Acting RA Kaplan Spoke with Representative Cheri Bustos Regarding Drinking Water in Galesburg, Illinois on August 18

Key Message: Acting RA Kaplan provided the Congresswoman with the background of the situation, including outreach to residents, and committed to continued coordination with the state, the city of Galesburg, and the Congresswoman’s office.

On August 17, 2017, EPA sent Illinois EPA a letter regarding recent testing that showed elevated lead levels in drinking water in a small number of homes in Galesburg. The testing was done as part of an ORD research project to examine whether sequential sampling results for lead in a home’s drinking water can be used to identify homes with lead service lines.

Proposed National Priorities List Deletion Approved for the Nutting Truck & Caster Co. Superfund Site in Faribault, Minnesota, on August 14

Key Message: Cleanup at the Nutting Truck & Caster Co. site is complete and the site is ready to be proposed for deletion from the National Priorities List.

Acting Regional Administrator Kaplan approved the Superfund Division’s Proposed National Priorities List Direct Deletion for the Nutting Truck and Caster Co. Superfund site in Faribault, Minnesota. EPA completed a Final Close Out Report in April 2017 documenting that all cleanup objectives in the state’s Response Action Plan and EPA’s Record of Decision were achieved. The state of Minnesota concurs with the Proposed Deletion. Region 5 will submit the Proposed Deletion to the Federal Register for publication, where it will be available for public comment for 30 days. Because EPA considers this deletion to be noncontroversial and routine, this deletion is a “direct deletion” and will be effective 60 days from the date of publication unless EPA receives adverse public comments.

The Nutting Truck & Caster Co. manufactured and distributed casters, wheels, hand trucks, and towline trucks at the 8.6-acre site between 1891 and 1984. Wastes at the site consisted of solvents and sludge

containing cadmium, lead, cyanide, methylene chloride, trichloroethylene, and xylene. These threats were addressed through soil excavation and off-site disposal, capping, and the construction of a groundwater extraction and treatment system.

Temporary Shut Down of Remedial Action at the Ashland/NSP Lakefront Superfund Site in Ashland, Wisconsin.

Key Message: Remedial Action at the Ashland site resumed on August 21 after a temporary shut down on August 17 due to dust emissions and complaints from local residents.

The PRP, Northern States Power of Wisconsin (NSPW) started dredging polycyclic aromatic hydrocarbons (PAHs) contaminated sediments from the Chequamegon Bay in May of this year. EPA first provided written notification to NSPW, on June 7, that operation and management of the dredged materials were outside the scope of the approved Final Design. After numerous attempts to address the issues, EPA provided another notification on August 7 stating that the dust issues continue to be a problem at the processing tent. Fugitive emissions of lime dust from the sediment processing tent has been an ongoing concern based on visual observations of dust plumes leaving the tent and moving off-site.

Samples collected from the tent found that the dust does contain PAHs. EPA sent a letter to NSPW and their contractors on August 17, 2017, shutting down dredging operations until they modified the design. NSPW submitted a letter on August 19, 2017, listing enhancements to the sediment processing area. Based on the proposed enhancements, EPA granted startup of the sediment dredging on August 21, 2017. Region 5 and WDNR will continue to provide oversight of the project to make sure the enhancements are completed.

Upcoming Events

None

Upcoming Major Decisions

None

Past Week Accomplishments

Response Action Initiated at Hudepohl Site in Cincinnati, Ohio

Key Message: On August 23, Region 5 initiated a time-critical asbestos removal action at the former brewery site.

EPA's action follows a May 18, 2017 request from the Cincinnati Port Authority for assistance with a removal assessment and removal action. In 2005 and 2011, three buildings were demolished, creating the current outdoor asbestos debris pile. The demolition left one asbestos containing building, the old boiler house, structurally impaired.

Port Authority perimeter air sampling conducted in 2016-2017 documented asbestos migrating off-site. Commercial properties are located immediately adjacent to the site and a homeless shelter is located within 240' of the site. The EPA removal action is scheduled to last five months and will be followed by the 2018 Port Authority demolition of buildings as part of an area redevelopment project.

Successful East Chicago Public Meeting on August 19, 2017

Key Message: EPA, Indiana Department of Environmental Quality, and the city of East Chicago met with residents and provided an update on the remediation efforts and addressed questions regarding drinking water.

Roughly 45 community members attended the meeting. The majority of the meeting focused on drinking water. EPA and IDEM both gave short presentations summarizing the current status of East Chicago's drinking water. The meeting went an hour over schedule to accommodate the large number of questions the community members had. The East Chicago Community Strategy Group, led by Rev. Rivera, held a separate media availability session to announce plans for independent third party water testing.

The meeting was part of the regularly scheduled monthly meetings proposed in the Administrator's customer service plan for East Chicago. Acting Regional Administrator Bob Kaplan was joined by Region 5 staff as well as Senior Advisor to the Administrator Albert "Kell" Kelly. The region coordinated closely with HQ, IDEM and the city in preparation for this meeting.

Consent Decree Approved for Wisconsin Fox River Superfund Site

Key Message: On August 23, 2017, the United States District Court for the Eastern District of Wisconsin approved a consent decree concerning the Lower Fox River and Green Bay Superfund site.

The defendants are NCR Corporation (NCR) and Appvion, Inc. The decree requires NCR to take on sole responsibility for completing all remaining cleanup work at the site. The final phase of cleanup work at the site is estimated to cost over \$200 million over the next few years. Once NCR completes the work under the consent decree, Georgia-Pacific Consumer Products LP and P.H. Glatfelter Company, under prior court orders, will have primary responsibility for operation and maintenance activities at the site. The decree also resolves the government's potential claims against Appvion, which purchased NCR's paper manufacturing facilities in the Fox River Valley in the late 1970s. Appvion will not be involved in the remaining cleanup work at the site.

A passage to highlight concerning the approval of the decree, the Court stated, "the governments have shown a dogged determination to ensure the cleaning up of the River in the most expeditious fashion, and they and their agencies may be presumed to have not only the will to get the job done, but the expertise that warrants a court's deference."

The sediments in the Fox River and Green Bay are contaminated with PCBs, a hazardous substance. From 1954 to 1971, PCBs were used in the emulsion used to manufacture "NCR" copy paper. The manufacture of NCR paper along with the recycling of NCR paper by various paper mills resulted in the release of PCBs into the Fox River via numerous wastewater discharge points.

REGION 6**Upcoming Hot Issues and Important Deadlines****Hurricane Harvey**

Tropical Storm Harvey intensified to a Hurricane Cat 1 at 12 noon on August 24. The hurricane is expected to increase intensity to Cat 3 before making landfall in Texas, near Corpus Christi late on Friday. FEMA and other federal agencies (including EPA) are readying for the storm. FEMA has not received any requests for assistance from states or tribes in the area. Bureau of Safety and Environmental Enforcement (BSEE) reports 10% of oil and gas production in the Gulf has been impacted with 39 platforms and 1 rig evacuation in advance of the storm. Region 6 is taking action to ensure that Superfund Sites are secured in advance of the storm, to plan for approximately 300 public water system rapid assessments, to process emergency fuel waiver requests, and to seamlessly integrate emergency response activities with Texas, Louisiana, and other federal response agencies.

Texas Regional Haze and Interstate Visibility Transport

EPA is currently subject to a deadline of September 9, 2017 under two consent decrees issued by two different federal district courts in the District of Columbia (one for best available retrofit technology [BART] for regional haze, and one for interstate visibility transport). EPA's final action on regional haze is expected to address the issues in both BART and interstate visibility transport. On August 18, 2017, EPA (through the Department of Justice) filed a motion in both courts to extend the consent decree deadline to December 31, 2018. The basis for the extension request is the changed circumstances between EPA and the State of Texas, and the recently signed Memorandum of Agreement (MOA) between EPA and the Texas Commission on Environmental Quality (TCEQ) outlining the procedural steps each agency will take to address a State Implementation Plan (SIP) revision to address regional haze requirements that will be submitted by the TCEQ to EPA. Pursuant to the MOA, the TCEQ Executive Director will propose a SIP revision for consideration by the TCEQ commissioners by March 31, 2018. EPA will parallel process the SIP revision. The TCEQ will complete its administrative process and submit the SIP revision to EPA by October 31, 2018. EPA intends to sign a final action on the SIP revision by December 31, 2018.

Offshore Oil and Gas General Permit, Western Gulf of Mexico

Region 6 sent response-to-comments and proposed changes of the final permit to solicit internal review comments and input so that the Permitting Section will have proposed final decisions prior to briefing upper management. On August 18 and 20, Region 6 held an informal telephone call with the Joint Trades Committee to discuss the 5 remaining technical issues. Feedback from industry indicated they are generally in agreement with the direction of final permit, including being able to live with the 5 issues not being granted by EPA. On August 30, 2017, Region 6 will be signing a Record of Decision (ROD) adopting the Bureau of Ocean Energy Management's (BOEM) final Environmental Impact Statement (EIS) covering oil and gas exploration and development in the Gulf of Mexico. EPA was a cooperating federal agency for the BOEM EIS, but a ROD adopting the final EIS is necessary to document EPA's NEPA compliance prior to finalizing the Outer Continental Shelf General Permit GMG290000. A briefing for upper management and HQs is scheduled for September 5, 2017. The Region is currently on schedule to reissue the permit before its September 30, 2017 expiration date. While existing discharges will remain covered following expiration of the permit, new discharges and transfers of ownership could not receive coverage under the permit, causing significant disruptions to offshore oil and gas production. The western Gulf permit covers about 3,000 facilities and about 10,000 discharges, and ongoing permit coverage is necessary to accommodate frequent operational changes and new development. Region 6 has not received information on the timeline for the OMB review.

LDEQ Objection to La 303(d) Decision

LDEQ asked Region 6 to reconsider its decision to defer action on the Terrebonne Basin Coastal Waters, by letter of June 27, 2017, which identifies this segment as impaired due to depressed dissolved oxygen levels relative to the state's current standard. R6 is in process of responding by letter to the state's concerns, noting that a more comprehensive sampling effort may be needed to better reflect water quality conditions, which can be addressed in the state's next assessment cycle in 2018. Water quality concerns associated with Louisiana's coastal waters are part of a broader challenge of reducing nutrient loading from throughout the Mississippi River Basin to decrease the size of the hypoxic zone.

Camp Minden, Minden, Louisiana

The Citizen's Advisory Group (CAG) Meeting was held August 21, 2017. Discussions during the CAG meeting included the dismantling of the contained burn chamber, ground water results on the remedial site, reuse and the next CAG meeting being held in October 2017. The EPA post removal soil sample property reports have been drafted and are planned to be distributed the week of September 4th.

San Jacinto River Waste Pits Superfund Site, Houston, Texas

EPA will meet with the Texas Commission on Environmental Quality to discuss site related issues, including their comments on the Proposed Plan. Currently, EPA Region 6 is preparing responses to public comments on the Proposed Plan. To help with information on the responses, the U.S Army Corps of Engineers will submit a report on technical aspects before September 1. Completion of the Record of Decision and attached Responsiveness Summary is expected in December 2017.

Bird Creek, Osage County, Oklahoma

The companies have until 30 days after receipt of order to comment or request a hearing date - Novy and Warren America have until September 6, and Jireh has until September 11. Proposed shut-in Orders have been issued to three companies; Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc., applicable to seven UIC wells. Comments under the public notification requirements of SDWA will be accepted through September 5th for Warren American and Novy and until September 15th for Jireh Resources. On August 15, 2017, EPA representatives met with Warren American Oil Company and Jireh Resources, LLC related to the proposed Administrative Orders. EPA representatives will meet with Novy Oil and Gas, Inc./ Grayhorse Operating, Inc. related to their Proposed Administrative Order. A strategy for expanding the study area to a 3 mile radius is being developed and implemented, 8 additional injection wells have been identified and will be evaluated similarly to Phase I wells.

Cochiti Tribe, New Mexico

Cochiti Lake Public Water Supply recently switched to an emergency well, which is currently a non-EPA approved water source due to several significant deficiencies. The switch occurred on August 6, 2017 due to a failure at the pump of their main well. EPA required the Tribal system operators to notify residents of a Boil Water Advisory and to begin coliform sampling at the source and in the distribution system. Source sample results taken on August 13, and received by EPA on August 21 were total coliform positive. The two subsequent source samples received by EPA have been coliform absent. A call with Cochiti Lake's operator uncovered that the non-approved source is struggling to provide adequate capacity for the population of 500 people and the golf course. EPA will continue to monitor the situation, require bacteriological samples, and ask Cochiti Lake to remain on a Boil Water Advisory until Cochiti Lake is able to fix the pump at the primary well and switch back to that source. According to the operator, the pump has been ordered and is expected to be received and installed by August 25.

Lone Star Park, Grand Prairie, Texas

Region 6 installed a remote water quality monitoring screening tool called a Zero Angle Photo Spectroscopy ZAPS Liquid at Grand Prairie's Lone Star Park horse race track (LSP), located in Grand Prairie, Texas. This study is monitoring for Concentrated Animal Feeding Operation (CAFO) production

area pollutants (E. coli, BOD, TSS, Ammonia and Nitrate/Nitrite) for six to eight weeks using ZAPS Technologies. Generated data from the continuous two-minute monitoring is uploaded to the company's managed website that is available to the agency. EPA representatives are also notified when there are readings above the selected detection limit. The real-time ZAPS acquired data will then be correlated against grab samples that meet the 40 CFR 136 analytical requirements for these same parameters. If the ZAPS technology can operate without fouling or the need for excessive maintenance, and produces reliable and comparable data, EPA may then require the use of this technology in other environments where continuous pollutant monitoring information is required or where pollutant discharges are ongoing into an MS4 from other CAFO locations or industrial/municipal sites. The ZAPS study is being done in cooperation with LSP, who has agreed to host the study. TCEQ has been notified of the installation – they have indicated their interest in participating after the end of their fiscal year (August 31).

NEPA

NEPA Record of Decision or OCS General Permit

EPA intends to sign a Record of Decision (ROD) adopting the Bureau of Ocean Energy Management's (BOEM) final Environmental Impact Statement (EIS) covering oil and gas exploration and development in the Gulf of Mexico. EPA was a cooperating federal agency for the BOEM EIS, but a ROD adopting the final EIS is necessary to document EPA's NEPA compliance prior to finalizing the Outer Continental Shelf General Permit GMG290000.

Upcoming Public Events

September 11-13 – National Air Quality Conference, Austin, Texas. Attendees will learn the latest information on air quality forecasting and mapping.

September 17-21 - 19th Annual Stormwater Conference in San Antonio, TX. The Conference will inform and educate professionals on controls that can address water pollution

October 27 – Arkansas Environment Federation 50th Annual Convention, Hot Springs, AR. Acting Regional Administrator will keynote.

Upcoming Decisions

Arkansas Regional Haze

Region 6 is proposing approval of the revision of the Arkansas Regional Haze State Implementation Plan (SIP) that was submitted to EPA for parallel processing on July 12, 2017. Arkansas' proposed SIP revision relies on the Cross State Air Pollution Rule (CSAPR) to address the nitrogen oxide (NO_x) requirements for nine electric generating units (EGUs) in Arkansas and proposing to withdraw federal implementation plan (FIP) emission limits for NO_x that currently apply to the nine aforementioned units. The Acting Regional Administrator is scheduled to sign the proposal on August 30, 2017.

Texas Carbon Monoxide SIP for El Paso

Region 6 is proposing to approve through a final rule a Texas State Implementation Plan (SIP) revision that establishes a required second 10-year carbon monoxide (CO) maintenance plan for the El Paso, Texas CO maintenance area (El Paso Area). The final rule responds to relevant adverse comments received during the initial direct final rulemaking public comment period.

Final Title V Operating Permit Program Evaluation for the Arkansas Department of Environmental Quality

Region 6 has released the final Title V Operating Permit Program Evaluation for the Arkansas Department of Environmental Quality (ADEQ) on August 22, 2017. Findings have been thoroughly vetted with ADEQ, and it provided a commitment letter to EPA Region 6 identifying specific actions to

address identified concerns. The most significant issue relates to documenting utilization of Title V fees to pay only ADEQ Title V program's proportional share of overhead costs.

Past Week Accomplishments

Pawhuska School Gas Leak

Region 6 completed air sampling and monitoring to assist the State Fire Marshall's reopening of the Pawhuska School. The School District will reopen K to 12 grade on Monday, August 28. A ventilation system will be placed on the school's geothermal heating/cooling by the State of Oklahoma. Plugging of the oil and gas well at the ballfield is being conducted by BIA and Osage Minerals Council. Plugging of the oil and gas well by the practice field is being conducted by the well owner under BIA supervision.

Pending Actions (Pending Federal Register Publication)

**Arkansas Hazardous Waste Incorporation by Reference, Proposed and Direct Final
(9966-54-Region6 & 9966-55-Region6)**

REGION 7**Hot Issues****EPA R7 hosts Patrick Traylor (OECA), Holly Greaves and David Bloom (OCFO)**

Key Message: On August 23-24, 2017, EPA R7 hosted members of the Senior Management Team from HQ's Office of Enforcement and Compliance Assistance and Office of the Chief Financial Officer.

- The visit included an All Hands Meeting open to all R7 staff where Patrick, Holly and David provided an overview of the Agency's priorities with regards to enforcement, budget and planning followed by a Q&A session.
- R7 program managers provided an introduction to the work at the R7 office and led a discussion of several unique challenges the Regional Office is working on; including working with micro communities and their aging water infrastructure.
- Also included was a tour of the Regional Office as well as the Science and Technology Center lab facilities.
- A highlight of the visit, as always, was the world famous Kansas City barbecue.

**Last Week's Highlights****Response to Oil Spill Notification in Paola, KS**

Key Message: On August 22, 2017, EPA R7 received notification of a potential oil spill in Paola, KS.

- An EPA OSC conducted reconnaissance at the reported spill area and found vehicles, drums, and residential/commercial buildings under water from recent flooding but did not find any ongoing release of oil.
- EPA informed KDHE of the findings for follow-up if necessary after flood waters recede. No further action by EPA is anticipated.

R7 Finalizes Administrative Order for Compliance on Consent with Fairfield, Iowa

Key Message: On August 22, 2017, EPA R7 and the city of Fairfield, Iowa entered into an Administrative Order for Compliance on Consent to address Clean Water Act violations at the city's Publicly Owned Treatment Works (*NEI municipal overflows).

- EPA's inspection in January 2017 documented over 100 sanitary sewer overflows in the past five years from several locations within the city's collection system and unauthorized bypasses at the wastewater treatment plant.
- The order requires the city to eliminate excess flows and constructed overflows and increase capacity according to a schedule to achieve compliance with the city's NPDES permit no later than December 31, 2032 or sooner depending on the results of interim actions and a study to be completed by December 31, 2020.
- IDNR requested EPA's involvement, participated in EPA's inspection and negotiations with the city, and concurred with the terms of this order.

Upcoming West Lake Meeting & Open House

Key Message: On August 31, 2017, EPA R7 will be hosting an Open House in Bridgeton, Missouri on the West Lake Landfill Superfund Site.

- EPA will provide a brief presentation on progress toward a final remedy proposal and recently completed on-site actions. The U.S. Army Corps of Engineers, ATSDR, US Geological Survey, MDNR, MDHSS, St. Louis County Health Department, and Missouri American Water have also been invited to participate.
- During the open house, EPA and the attending agencies will staff stations for the public to meet with various experts.
- EPA will also be attending a meeting on August 31 hosted by the St. Louis County Health Department with attendees from MDNR and the Just Moms group to discuss recent stormwater data related to the West Lake Site.

Public Meeting on Proposed Plan for West Highway 6 and Highway 281 Superfund Site

Key Message: On August 23, 2017, EPA R7 held a public meeting in Hastings, Nebraska on the West Highway 6 and Highway 281 Superfund Site.

- The meeting was attended by representatives from NDEQ and members of the public, no elected officials or media members were present.
- During the meeting, EPA provided information, answered questions, and received comments on the proposed plan for the site.
- No significant issues were raised.
- The public comment period for the proposed plan ends on September 11, 2017.

REGION 8**Hot Issues****Update on Gold King Mine Conceptual Monitoring Plan Biological Data Assessment Webinar.**

Key Message: The Office of Water and ORD will present results of the initial assessment of biological data post-GKM release in a webinar to states and tribes on Friday, August 25. Preliminary analyses of the Spring 2017 snowmelt data will also be shared.

- Comparisons of pre and post-release benthic macroinvertebrate data in both rivers indicate that the overall condition has remained consistent, with a slight improvement in some metrics.
- Metals in macroinvertebrates and fish muscle tissue generally followed the water and sediment patterns associated with the Gold King release and background conditions, with highest concentrations observed in the Upper Animas and lowest concentrations observed in the San Juan.
- Metals were elevated in fish liver and to a lesser extent in muscle tissue during August 2015 in the lower Animas River at locations with elevated GKM metals in water and sediment. Concentrations decreased to background conditions by the spring 2016.
- Metal concentrations in 2017 snowmelt were much lower than 2016 when Gold King release metals were working through the system.
- There was no evidence of the Gold King metal signature anywhere in the system, apparently confirming earlier conclusions that the release of deposits were removed from the rivers and delivered to Lake Powell by completion of snowmelt runoff in 2016.
- Any media queries will be sent to OPA.

Upcoming Public Events

None.

Upcoming Major Decisions**Eagle Mine Operable Unit 3 (OU3) Record of Decision and BFPP Administrative Order on Consent**

Key Message: The Bona Fide Prospective Purchaser for OU3 (soil remedy for residential use) at the Eagle Mine site, Battle North, LLC, has requested that EPA commit to having a Record of Decision issued by the end of fiscal year 2017 and an Administrative Order on Consent negotiated and signed by the end of calendar year 2017. The Site Team (including the State) is confident that both of these deadlines can be met and are on pace to reach these goals.

Eagle Mine Operable Unit 1 Record of Decision Amendment and Consent Decree (CD) Amendment

Key Message: The OU1 (sitewide surface water quality remedy) ROD Amendment is scheduled to be issued by the end of fiscal year 2017, with an amendment to the CD with CBS (PRP) negotiated and signed by the end of calendar year 2017. The Site Team (including the State) is confident that both of these deadlines can be met and are on pace to reach these goals. The State is eager to meet both of these schedules, as OU1 is a State-lead OU.

Addressing Air Quality Issues on Uintah and Ouray Reservation

Key Message: (Decision needed from OA – first reported 7/27) Region 8 is ready to begin working on an Advanced Notice of Proposed Rulemaking for a proposed FIP for the U&O Reservation to address concerns raised by several industry representative and the Ute Tribe.

- **Update:** The Ute Tribe has sent a letter to the Administrator requesting a meeting with him in September to discuss this matter.
- Industry representatives and the Ute Indian Tribe have emphasized the need for EPA to develop a mechanism to allow EPA to continue to issue minor source permits after nonattainment designation.

- On June 1-2, 2017, EPA R8 met with several industry representatives and the Ute Indian Tribe to discuss options to allow energy production to continue post-nonattainment designation, while also ensuring that new/modified sources do not cause or contribute to ozone exceedances.
- Industry representatives suggested the Advanced Notice of Proposed Rulemaking approach to allow specific comments from stakeholders and to give EPA an opportunity to make revisions prior to formal proposal. The Tribe is supportive of the approach.
- On July 12, 2017, Sarah Dunham and Mandy Gunasekara were briefed on options for moving forward including the Advanced Notice of Proposed Rulemaking. We are awaiting a decision.
- This is time sensitive given the time it will take for the ANPR, proposed FIP and final action.

Last Week Highlights

None

REGION 9**Urgent/Hot Issues**

None

External Engagement

1. **FEMA:** as part of our Regional focus this year to increase our organization's emergency preparedness, we are again hosting our FEMA senior management colleagues at our weekly managers meeting. Our goal is to sustain working relationships in advance of natural disasters we can expect in California.
2. **Mexican Border:** next Monday we'll join OW in briefing the House Transportation and Infrastructure Committee Majority Staffer, Elizabeth Fox, at 2 pm EST.
3. **Kwajalein Atoll:** next Tuesday we'll host the annual meeting of US Army, State Department, and other federal colleagues focused on Kwajalein's environmental conditions. The atoll is key to US defenses in the far western Pacific. At the Army and State Department's request, EPA Region 9 provides compliance oversight of myriad operational and environmental clean-up actions.

Past Week's Highlights

1. **Anaconda (NV):** BP/Atlantic Richfield is working with NV Congressman Amodei and BLM on a proposed land-exchange legislative authorization, the outcome of which would remove BLM as a landowner as the CERCLA process proceeds. Meanwhile, EPA, NDEP and others are revising draft MOAs regarding NPL site deferral, however NV's most recent draft regarding tribal engagement has led the Yerington-Paiute Tribe to sue BP/ARC in tribal court for unspecified damages, etc. Given our extensive outreach to the two affected tribes, we are working on alternative language which could meet with Tribal acceptance on the path to NPL listing deferral.
2. **Superfund Lean:** we hosted a meeting with BP/Atlantic Richfield, joined by OLEM's Nick Falvo and Veronica Garcia, to pursue an in-depth Leaning of the RI/FS/ROD process for a large, complex, NPL-listing mine site, Leviathan. We're all focused on a more efficient path to remedy within the next couple of years, and will next meet in early October to map out processes.
3. **Mexican Border:** we were very pleased to host Ken Wagner's San Diego visit, focusing on Mexican Border wastewater infrastructure.
4. **Lake Tahoe:** I attended the annual Lake Tahoe Summit, where the CA Senators (Feinstein, Harris) and NV Senators (Cortez-Masto, Heller), NV Gov. Sandoval and Congressional representatives were briefed on the past year's progress, plans for the year ahead, and significant issues (removing diseased timber from the basin, increasing public transportation, removing invasive algae, etc). Significant new initiatives included private capital investment in NV lakeside infrastructure (bike path), and a wildly popular new bikeshare program.

REGION 10**Hot Issues**

None this week

Upcoming Public Events

Brownbag for Region 10 Staff with Intel Science Fair Winner, Adam Nayak: On August 28th, Region 10's Oregon Operations Office will be hosting Adam Nayak, EPA's Patrick H. Hurd Sustainability Award winner, to share his science project with EPA staff. Adam attends high school in Portland, Oregon. His project, "Modeling the effects of land use change on flooding in Pacific Northwest streams to promote green practices," uses historical flood and urban land use data, landscape imagery, GIS software, and streamflow modeling developed by the U.S. Geological Survey, to project how severe floods might be in four Portland urban stream basins if impervious surfaces continue to grow at the same pace as in recent years. His work was recognized by the EPA Administrator in May and featured in local news http://www.oregonlive.com/portland/index.ssf/2017/05/portland_high_schooler_takes_h.html

Upcoming Major Decisions

Alaska Stand Alone Pipeline (ASAP) Project: August 29th is EPA's deadline to comment on the CWA section 404 public notice and the NEPA supplemental draft EIS for the ASAP project. The ASAP Project is proposed to provide natural gas for in-state use and reaches from the North Slope to Southcentral Alaska (733 miles), with a lateral supply line to Fairbanks. The Alaska District Corps of Engineers is the lead federal agency for developing the SEIS. Region 10's review of the 404 public notice concludes that the proposed mitigation for the project does not comply with the CWA § 404(b)(1) Guidelines. Region 10 is coordinating closely with the Office of Water and the Office of Federal Activities on our comment letters. HQ and regional staff are scheduled to brief Lee Forsgren on the CWA § 404 issues on August 25th. Additional details on this project were included in Region 10's July 27th Weekly Report.

Tribal Consultation Concludes on EPA-Canada Statement of Cooperation Action Plan (WA): EPA and Environment and Climate Change Canada concluded a 30 day offer of Tribal Consultation with Puget Sound tribes and British Columbia First Nations on the anticipated signing of the EPA-ECCC Salish Sea Statement of Cooperation 2017-2020 Action Plan. No substantial comments or requests for consultation were submitted to EPA staff. The Salish Sea is the waterbody which reaches from Puget Sound to British Columbia's coastal waterways. The Action Plan identifies priority topics for transboundary information sharing (e.g., major federal initiatives in Canada and the U.S. with relevance to Salish Sea protection; updates on environmental review processes). The consultation process included a joint EPA-ECCC informational webinar for Tribes and First Nations. Region 10 and ECCC West and North staff will prepare the Action Plan for Region 10 Acting RA and ECCC W&N Regional Director General signature in September.

Last Week Highlights

2017 Federal Green Challenge Awards for Bonneville Power Administration: On August 24, EPA presented two FGC awards to BPA for Electronics and Leadership at their 80th anniversary celebration. BPA achieved 100% Electronic Product Environmental Assessment Tool (EPEAT) ranked products for desktop systems, reducing hazardous and solid waste, saving energy, and reducing BPA's environmental footprint, earning the Electronics Award. They received the Leadership Award for partnering with the Lloyd EcoDistrict nonprofit to help transform the neighborhood into "the most sustainable business district in North America."

Fairbanks, Alaska PM2.5 Nonattainment Plan Approved: On August 21, the Region 10 acting Regional Administrator signed a final action to fully approve the moderate plan for the Fairbanks PM2.5 nonattainment area. Region 10 proposed to approve the Fairbanks moderate plan in February 2017 and we

received three comment letters opposed to our proposed approval. In general, the commenters raised concerns with Alaska's control measure analysis, the stringency of the regulations, and Alaska's enforcement authority. This final action meets a consent decree deadline of August 28. The Fairbanks PM2.5 nonattainment area was reclassified to serious earlier this year, and ADEC and the Fairbanks North Star Borough are currently working to develop a serious air quality plan.

Alaska Oil and Gas Workshop: On August 23, EPA staff hosted a one-day workshop. The workshop included Oil and Gas Basics by the Alaska Oil and Gas Association and presentations by nine active operators in the state (Alyeska, Armstrong, BlueCrest, BP, Caelus Energy, ConocoPhillips, Eni Petroleum, ExxonMobil, and Hilcorp). State and federal agencies also participated, including BLM, BOEM, USFWS, U.S. Army Corps of Engineers, and Alaska Departments of Environmental Conservation, Natural Resources and the Alaska Oil and Gas Conservation Commission. The presentations included a summary overview of their oil and gas activities in Alaska as well as operational and regulatory challenges (including the Small Remote Incinerator rule, the monitoring requirements under the NSPS controlling air pollution from oil and natural gas, and compensatory mitigation without an available mitigation bank). The industry reps also requested more coordination among the agencies to ensure consistency and integration on regulatory requirements, and recognized EPA R10 as a leading example of how to coordinate and communicate on permitting and regulatory issues.

Idaho Temperature TMDLs Approved: Region 10 approved two different sets of Idaho temperature TMDL revisions this week; three for reaches of Crooked Creek located in the Mid-Snake River Sub-basin and 21 in the Palouse River Sub-basin.

OFFICE OF POLICY*Documents Sent to OFR August 17 – 24, 2017*

FRL	Title	Date Submitted to OFR
9966-76-OLEM	AES Filing Compliance Date for Hazardous Waste Exports	8/24/2017
9966-77-Region 9	Clean Air Act Operating Permit Program; Petition for Objection to Proposed Permit for Chevron USA Inc. – 7Z Steam Plant, San Joaquin Valley Unified Air Pollution Control	8/24/2017
9967-02-OEI	Engine Emission Defect Information Reports and Voluntary Emission Recall Reports (Renewal)/ICR No.0282.17	8/24/2017
9967-03-OEI	Regulation of Fuels and Fuel Additives: Gasoline Volatility (Renewal)/ICR No.1367.12	8/24/2017
9967-04-Region 2	Approval of Air Quality Implementation Plans; New York; Cross-State Air Pollution Rule; NOx Annual and SO2 Group 1 Trading Programs	8/24/2017
9966-92-Region 4	Air Plan Approval and Air Quality Designation; TN; Redesignation of the Knoxville 1997 Annual PM2.5 Nonattainment Area to Attainment	8/23/2017
9967-01-OAR	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Rotary Spin Lines Technology Review	8/23/2017
9966-99-OW	Definition of “Waters of the United States” – Schedule of Public Meetings	8/23/2017
9965-15-Region 4	Air Plan Approval; Georgia; Update to Materials Incorporated by Reference	8/23/2017
9966-93-Region 4	Air Plan Approval and Air Quality Designation; TN; Redesignation of the Knoxville 2006 24-hour PM2.5 Nonattainment Area to Attainment	8/22/2017
9966-94-Region 4	Air Plan Approval; Kentucky; Revisions to Jefferson County Emissions Monitoring and Reporting	8/22/2017
9966-95-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of an Alternative Volatile Organic Compound Emission Standard	8/22/2017
9966-96-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of an Alternative Volatile Organic Compound Emission Standard	8/22/2017
9966-44-OEI	NSPS for Onshore Natural Gas Processing Plants (Renewal)/ICR No.1086.11	8/21/2017
9966-65-OEI	Agency Information Collection Activities; Reporting and Recordkeeping for Asbestos Abatement Worker Protection;	8/21/2017

	Submitted to OMB for Review and Approval; Comment Request/ICR 1246	
9966-91-OAR	Public Hearing for Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022-2025 Light-duty Vehicles	8/18/2017
9966-79-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Maryland; Permits, Approvals, and Registrations	8/18/2017
9965-62-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; Volatile Organic Compounds Rule Revision and Stage II Vapor Recovery	8/18/2017
9966-80-Region 10	Approval and Promulgation of Implementation Plans; AK: Adoption Updates and Rule Revisions	8/18/2017
9966-78-Region 3	Approval and Promulgation of Air Quality Implementation Plans; Virginia; Major New Source Review	8/18/2017
9944-78-OCSPP	Agency Information Collection Activities; Proposed Renewal of an Existing Collection (EPA ICR No. 2288.03); Comment Request	8/17/2017
9966-07-OAR	Notice of Intent to Establish Voluntary Criteria for Radon Credentialing Organizations	8/17/2017
9966-03-Region 4	FORMER DOUGLAS BATTERY SITE WINSTON-SALEM, FORSYTH COUNTY, NORTH CAROLINA	8/17/2017
9966-81-OW	Extension of Comment Period for the Definition of “Waters of the United States” – Recodification of Pre-existing Rules	8/17/2017
9966-60-Region 7	Approval of Iowa’s Air Quality Implementation Plan; Muscatine Sulfur Dioxide Nonattainment Area	8/17/2017

OFFICE OF WATER

Hot Issues

Steam Electric ELG: This week, the U.S. Court of Appeals for the Fifth Circuit granted EPA's motion to sever and hold in abeyance all judicial proceedings related to the portions of the 2015 Steam Electric ELG Rule for which EPA will be conducting further rulemaking (FGD wastewater and bottom ash transport water). In addition, as early as this week, OW anticipates submitting to OP for OMB review the final rule to postpone the compliance dates for bottom ash transport water and flue gas desulfurization (FGD) wastewater. Our understanding is that OMB review could be brief with the goal of producing a final rule for Administrator's signature in the first half of September.

Missouri Lakes Federal Nutrient Criteria: As early as this week, OW will transmit to OP for submittal to OMB, the Proposed Federal Numeric Nutrient Criteria Applicable to Missouri Lakes. Per a consent decree, EPA must sign a rule proposing numeric nutrient criteria for Missouri lakes by December 15. Earlier this month, the State of Missouri published its draft nutrient criteria and regulatory impact reports (RIR) for public notice. HQ and regional staff are currently reviewing the State's draft proposal, engaging with MO on ways to make the State's package comport with the requirements of the CWA and EPA regulations, and concurrently working on EPA's proposed rulemaking.

Waters of the U.S.: Next week, following publication in the Federal Register, we will issue a press release announcing a 10-part webinar series to gather stakeholder ideas for the step 2 proposal. Each session will focus on a different category of stakeholders, such as agriculture, construction/transportation, and conservation organizations. In addition, the public comment period for the step 1 proposal remains open until September 27. We have received over 100,000 comments to date.

Unconventional Oil and Gas ELG: By August 31, the DOJ intends to file a motion with the U.S. Court of Appeals for the Third Circuit requesting that court remand this final rule to EPA without vacatur so that the Agency may consider the petitioners concerns and evaluate whether new rulemaking is needed.

Upcoming Public Events

Water Council Policy Event: On September 6, Lee will participate in a panel session at The Water Council's event "Fostering Public-Private Innovations in the U.S. Water Market – Wisconsin's Leadership." His remarks will focus on safe drinking water.

Water Division Director's Meeting: The week of Sept 4, the Office of Water will bring together the HQ and Regional leadership team to share program updates and discuss overall program management.

Last Week Highlights

South West OK Regional Drought Collaboration: This week, OW participated in this Summit in Altus, OK, bringing together local stakeholders, the state of Oklahoma (including OK Water Resources Board) and 18 staff members from ten different federal agencies to support implementation of the Southwest Water Action Plan (SWAP) to build long term drought resilience from the ground up. A major outcome of the Summit was to identify substantive focus areas that will contribute to local effort to build long term resilience to drought. Examples of these focus areas include multi benefit improvements (recreation, business opportunities, etc.) in and around Altus' city reservoir; continued improvements to the municipal water system (conservation, water loss control, etc.); efficiencies in local agricultural water usage; and, enhancements to the large reservoirs (reducing sedimentation into the reservoir, potentially dredging existing sedimentation, and the feasibility of constructing a new reservoir) that provide the majority of the region's water supply.

Online Water Quality Standards Variance Tool: This week, EPA released an online tool that can help states, territories, and authorized tribes learn more about Clean Water Act water quality standard variances and when best to apply them. Users can explore the tool to learn how water quality standard (WQS) variances can provide for water quality improvement opportunities incrementally in situations where achieving the full water quality standards is not possible in the near term. The tool also allows users to draft sample language for a potential variance which then can be used to begin stakeholder discussions. States, territories and authorized tribes are not required to use the tool nor does using the tool guarantee EPA approval of state WQS. View the tool: <https://www.epa.gov/wqs-tech/water-quality-standards-variance-building-tool>.

14th Annual EPA Drinking Water Workshop: Small Systems Challenges and Solutions: This week, OW held its 14th annual drinking water workshop in Cincinnati, OH in partnership with the Association of State Drinking Water Administrators. This workshop focused on Small System challenges and solutions. The approximately 400 participants at the workshop included state personnel from 44 states responsible for drinking water compliance and treatment technology permitting, system owners and operators, local and tribal government personnel, academics, design engineers, technical assistance providers, and consultants. The workshop was co-hosted by ORD, and participants were provided with in-depth information and training on various solutions and strategies for handling small drinking water system challenges. The workshop included a training session on optimal corrosion control for lead in drinking water that generated a record number of 100 participants.

OFFICE OF AIR AND RADIATION**Upcoming Hot Issues and Important Deadlines**

- **Proposed Rules under review at OMB:**
 - Municipal Solid Waste (MSW) Landfills New Source Performance Standards (NSPS) and Emission Guidelines (EG)
 - Review of the Clean Power Plan
- **Point of Obligation:** We are working on a Federal Register notice and Response to Comments document to finalize our response to requests from petitioners to initiate rulemaking to change the point of obligation under the Renewable Fuel Standards (RFS) program.

Upcoming Meetings, Public Events, or Other Public Releases

- **Indoor airPLUS Awards:** On August 28th, EPA will announce the winners of the 2018 Indoor airPLUS Leader awards to nine home builders and Home Energy Raters for their commitment to building and verifying safer and healthier homes through the Indoor airPLUS Program.
- **Public Hearing for Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022-2025 Light-duty Vehicles:** EPA will hold a public hearing in Washington, DC on September 6, 2017, for the notice “Request for Comment on Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022-2025 Light-duty Vehicles; Request for Comment on Model Year 2021 Greenhouse Gas Emissions Standards.”

Upcoming Decisions

- **For Administrator’s Signature - Phosphoric Acid Manufacturing and Phosphate Fertilizer Production Risk and Technology Review (RTR):** This final rule responds to two petitions for reconsideration filed by industry stakeholders on the RTR. The package is with OP for review. Note the RTR required immediate compliance with several emission limits and monitoring provisions and so the deadlines for compliance have already passed. This final reconsideration notice will enable phosphoric acid manufacturers and phosphate fertilizer producers to come into compliance with the final rule.
- **For Administrator’s Signature – Procedure 6 Technical Amendments:** This final rule makes technical amendments to Procedure 6 to resolve some minor inconsistencies between the initial proposal and final publication. (Procedure 6 specifies the minimum requirements necessary for control and assessment of the quality of continuous emission monitoring systems data submitted to EPA and used for hydrogen chloride emissions compliance determination at stationary sources). The package is with OP for review.
- **For Administrator’s Signature – Refrigerant Management Regulations for Small Cans of Motor Vehicle Refrigerant:** This direct final rule and parallel proposal corrects a potential conflict in a November 2016 final rule that updated EPA’s refrigerant management regulations. The package is with OP for review.
- **For Administrator’s Signature – Interstate Transport of Fine Particulate Matter: Revision of Federal Implementation Plan Requirements for Texas:** This final rule will provide certainty to the Texas EGUs whose FIP requirements are being withdrawn and provide a stronger legal foundation for expected finalization of an action by September 9, 2017 that would rely on CSAPR as a NOX BART alternative for Texas EGUs. Note that there are still ongoing discussions that would have implications for the timing of this action.

- **For Administrator's Signature – Approval and Promulgation of Air Quality Implementation Plans; Montana; Regional Haze Federal Implementation Plan:** This final rule will revise the Montana regional haze federal implementation plan (FIP) by revising the nitrogen oxide (NO_x) emission limit from 6.5 lb/ton clinker to 7.6 lb/ton clinker for the Trident cement kiln, owned and operated by Oldcastle Materials Cement Holdings (Oldcastle) in Montana. This notice also corrects two errors in the original 2012 Montana regional haze FIP. This final rule promulgates changes to the FIP as proposed on April 14, 2017. This package is with OP for review.
- **For Administrator's Signature - National Emission Standards for Hazardous Air Pollutants: Nutritional Yeast Manufacturing Residual Risk and Technology Review (RTR):** In this rule we are finalizing the results of the RTR for the Manufacturing of Nutritional Yeast source category. The package is with OP for review prior to submitting it to OMB. Note this final rule is subject to a settlement agreement deadline and needs to be signed by October 1, 2017.

Recap of the Past Week

- **Sulfur Dioxide (SO₂) Designations Round 3:** This week the Regional Administrators sent 120-day letters to the States to notify them of intended modifications to their attainment/nonattainment recommendations.
- **External Review Draft of the Policy Assessment (PA) and Risk and Exposure Assessment (REA) documents for the SO_x NAAQS review:** As part of the ongoing review of the primary NAAQS for SO_x, EPA plans to release for Clean Air Scientific Advisory Committee (CASAC) review and public comment the external review draft of the PA and REA documents. (A CASAC meeting to discuss these documents is scheduled for September 18-19).
- **Actions signed this week:**
 - National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing; Rotary Spin Lines Technology Review (proposed rule)
 - Dry Impinger Method for Determining Condensable Particulate Emissions from Stationary Sources (proposed rule)

State Implementation Plan (SIP)-Related Actions

- The Regions report that the following 12 SIP-related actions were signed this week:
 - **Region 2:** Proposed rulemaking for the conditional approval of New York State's SIP on Cross-State Air Pollution Rule; NO_x Annual and SO₂ Group 1 Trading Programs
 - **Region 2:** Direct Final Rule for Virgin Islands' negative declaration of Other Solid Waste Incinerators
 - **Region 2:** Correction Notice on New Jersey's Part 52 SIP Incorporation by Reference; 'Notebook.'
 - **Region 5:** Proposed Approval of Indiana's PM_{2.5} Infrastructure SIP
 - **Region 5:** Proposed Approval of Illinois' Control of Emission from Large Combustion Sources – Part 225
 - **Region 5:** Final Approval of Indiana's Request to Redesignate the Indiana Portion of the Cincinnati-Hamilton Area for the 1997 PM_{2.5} Standard
 - **Region 7:** Final Action on the Jefferson County, MO Clean Data Determination for the 2010 SO₂ Standard
 - **Region 7:** Direct Final Action for State of Iowa SIP

- **Region 8:** Region 8: Final approval to grant two one-year Moderate PM2.5 attainment date extensions from December 31, 2015 to December 31, 2017 for the Logan, Utah-Idaho nonattainment area
- **Region 8 and 10:** Final Approval of Idaho and Utah's Request for Attainment Date Extensions for the Logan, Utah/Idaho PM2.5 Nonattainment Area
- **Region 9:** Nevada Regional Haze Progress Report Correction Notice
- **Region 10:** Final Full Approval of Alaska's Fairbanks PM2.5 Moderate Attainment Plan
- Total SIP-related actions signed as of August 24, 2017: 21 (starting point: August 14, 2017)

OFFICE OF THE CHIEF FINANCIAL OFFICER**Hot Issues**

- OCFO is working with the agency to draft the FY 2019 OMB budget submission, including a base budget and over-target request and budget measures/targets, consistent with the draft FY 2019-2022 Strategic Plan, as well as the Administrator's accompany transmittal letter, all due to OMB on September 11. OCFO is also working to schedule a budget briefing for OMB after submittal.

Upcoming Public Events

- OCFO has coordinated with OCIR and OITA to schedule senior leader calls with National Tribal Council and ECOS to get their input on FY 2019 Budget. The tribal call is on August 25 and the ECOS call is on August 29.
- Next week, OCFO anticipates sending letters to all federally recognized tribal leaders notifying them of the upcoming opportunity for consultation on the draft FY 2018-2022 Strategic Plan during the public comment period scheduled in September/October.

Upcoming Major Decisions

- Upcoming decision on second set of FY 2019 budget over-targets to be brought forward next week to the Chief of Staff.
- After completion of the policy team review of the FY 2018-2022 EPA Strategic Plan on August 31, OCFO will incorporate revisions and provide to the AAs/RAs/DAA/DRAs for a courtesy review September 1-5.
- Meetings are underway with the Chief of Operations and agency senior leaders to discuss strategic measures as basis for advancing the Administrator's priorities for strategic goal/objectives in new Strategic Plan. 7 of 8 meetings have taken place, with one meeting on Objectives 2.1, 2.3, and 3.3 outstanding. Interim draft submissions of Strategic Measures and Annual Budget measures were due to OCFO on 8/23, with final submissions due on 8/25. Agency Priority Goal Statements are due to OCFO on 8/25.

Last Week Highlights

- In conjunction with OEI and OGC, OCFO presented a one-hour national online webinar to Freedom of Information Act (FOIA) processing offices reviewing the invoicing process, fee generations, collections, the national Do Not Serve List, and other important items in regards to the Code of Federal Regulations governing FOIA processing.
- On August 23, OCFO completed the funds reprogramming to cover anticipated VERA / VSIP payments.

Other

- Based on Chief of Operations feedback, OCFO finalizing FY 2017 Q3 Quarterly Performance Report and issuing to the Administrator early in the week of August 28.
- OCFO continues working to coordinate response to Senate Appropriations Committee Questions for the Record (QFRs) and Senate Subcommittee Capability / Impact Statements.
- Along with OARM, OEI and other agency offices, OCFO supported the headquarters VERA/VSIP off-boarding event on August 23. A second and final event will be held on August 30. On a related noted, OCFO completed the funds reprogramming on August 23 to cover anticipated VERA / VSIP payments.

OFFICE OF GENERAL COUNSEL**New Judicial Decisions**

- The U.S. Court of Appeals for the Fifth Circuit granted EPA's motion to govern further proceedings in the case involving challenges to EPA's 2015 Steam Electric Effluent Limitations Guidelines and Standards (*Southwestern Elec. Power Co. v. EPA*). The Court has agreed to sever and hold in abeyance all judicial proceedings as to issues relating to the portions of the 2015 Rule on which EPA will be conducting further rulemaking (FGD wastewater and bottom ash transport water) and for which EPA has proposed an FDF variance to Duke Energy's Edwardsport, Indiana integrated gasification combined cycle facility. Under the order, EPA must file a joint or separate motion setting forth a revised briefing schedule for those issues that have not been severed and held in abeyance by September 12, and EPA will also need to file status reports every 90 days.
- The D.C. Circuit vacated an EPA regulation that reduced the requirements to report releases of hazardous substances under the Comprehensive Environmental Response, Compensation and Liability Act and the Emergency Planning and Community Right to Know Act, as they applied to releases to the air from animal waste at farms (*Waterkeeper Alliance v. EPA*). EPA moved the court to stay issuance of the mandate to give EPA time to develop guidance for farms on how to report such releases. On August 16, the court ordered that the issuance of the mandate be stayed through November 14, 2017. The order permits EPA to request an extension of the stay if EPA includes a status update on EPA's efforts to develop guidance.
- The U.S. District Court for the District of Arizona granted El Paso Natural Gas' motion for summary judgment, holding that the U.S. is an "owner" within the meaning of CERCLA for mining sites located on Navajo Nation land (*El Paso Natural Gas v. United States*). Citing the 10th Circuit's decision in *Chevron Mining*, the court held that bare legal title is sufficient to establish CERCLA liability, though noted that the extent of liability should be determined subsequently. The EPA is not a party to the litigation; DOJ will inform EPA whether it intends to appeal.
- The First Circuit granted EPA's motion to transfer Conservation Law Foundation's petition for review of EPA's New Hampshire general permit for small municipal separate storm sewer systems (MS4s) to the DC Circuit, where it should be consolidated with other petitions for review of the same permit filed in that court.

New Complaints Filed

- The same environmental group petitioners who have challenged EPA's action pursuant to APA section 705 postponing certain compliance dates in the 2015 steam electric effluent guidelines and limitations in the District Court for the District of Columbia filed a "protective petition for review" in the D.C. Circuit Court of Appeals (*Clean Water Action, et al. v. Pruitt, et al.*). As EPA has argued that the district court case should be dismissed (or transferred to the Fifth Circuit), petitioners filed this petition for review to ensure that the court of appeals has jurisdiction over the matter under CWA section 509, given that the statute requires petitions be filed within 120 days of EPA's action. OGC is working with DOJ on options for this litigation, including when to seek transfer to the Fifth Circuit.
- New FOIA litigation was filed concerning a multi-part FOIA request for information related in any way to Executive Order 13777, Enforcing the Regulatory Reform Agenda, and the execution or implementation of this Executive Order and Regulatory Reform Task Forces (*Southern Environmental Law Center v. EPA*). The request was filed with multiple EPA Offices and

Regions but was centralized in the Office of Policy, where the Office and the FEAT worked to clarify the request; however, no response had been provided at the time of the suit. The litigation is in the Western District of Virginia, Charlottesville Division. The FOIA is currently assigned to the Office of the Administrator, Office of Policy.

- Lawsuit alleging that we have unreasonably delayed by failing to respond to an 8-year old petition to list concentrated animal feeding operations (CAFOs) under section 111 of the CAA (*The Humane Society of the United States, et al. v. Pruitt*). Pollutants of concern listed in the complaint include ammonia, hydrogen sulfide, PM, VOC, methane and nitrous oxide. Petitioners request that the court order the Agency to act on the petition within 90-days. NOTE: This is the third lawsuit seeking an order requiring us to list (or asking the court to require that we make a decision on listing) under 111.

New Petitions that OGC is Aware of

None

Hot Issues

- Two former EPA officials, Bob Sussman (former Policy Counsel to Administrator Lisa Jackson) and Dominick DiGuilio (former ORD scientist), have been served subpoenas to testify on September 16, 2017 on behalf of the Plaintiffs in third party litigation in the U.S. District Court, District of Wyoming, related to the Pavillion site in Wind River, Wyoming (*Locker v. Encana*; note that the EPA is not currently a party to the litigation). Plaintiffs Jake and Rhonda Locker are suing a natural gas company, Encana, for alleged damages suffered from water contamination due to unconventional natural gas activities (hydraulic fracturing) at the site. In 2011, the EPA issued a draft report finding a potential connection between natural gas activities and water contamination at the Pavillion site; the report was never finalized and in 2013 the EPA ceded enforcement and remediation activities to the State of Wyoming DEQ. The subpoenas seek testimony related to the EPA's decision to give control of the site to the State of Wyoming, as well as expert scientific testimony from Dr. DiGuilio as to the conditions at the site. The EPA, in conjunction with the U.S. Attorney's office, is evaluating options for response, including allowing some of the testimony or moving to quash all or part of the requested testimony. On recommendation from the U.S. Attorney's Office, the EPA plans to prepare its response by September 1 to allow for response or motions before the subpoena date.

Upcoming Public Events & Important Meetings in the Next Two Weeks

None

Upcoming Major Deadlines in the Next Two Weeks

- 08/24 EPA's Reply in Support of Cross-Motion for Summary Judgment is due in *CBD v. Pruitt*, a deadline suit brought by an environmental group to address state implementation of multiple fine particulate matter (PM2.5) national ambient air quality standards.
- 08/24 District court hearing in *NRDC, et al. v. Pruitt*, a mandatory duty lawsuit alleging that California water rights permit decisions are new and revised CWA WQS.
- 08/25 EPA's Reply Brief is due in *United States, et al. v. Luminant Generation Co. LLC, et al.*, an appeal of adverse decision in PSD enforcement case.
- 08/25 Response to plaintiff's Opposition to EPA's Motion for Stay is due in *Sierra Club v. EPA*, where the plaintiff alleges that the EPA failed to grant or deny a petition seeking an objection by EPA to the Title V Operating Permit renewal for the Tennessee Valley Authority's Gallatin Fossil Plant.

- 08/25 Response to Joint Motion to Unconsolidate and Hold in Abeyance is due in *Samuel Masias, et al. v. EPA*, a petition for review of the Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard-Round 2.
- 08/25 EPA's Reply Brief is due in *Northwest Environmental Advocates v. Commerce, NOAA, and EPA*, a challenge to EPA and NOAA actions and inaction with respect to Washington nonpoint source programs.
- 08/28 Consent Decree deadline in *Citizens for Clean Air v. EPA* to sign a notice or notices of final rulemaking on its proposal to approve, disapprove, or conditionally approve, in whole or in part, the Fairbanks 2015 PM_{2.5} Plan pursuant to section 110 of the CAA.
- 08/29 Opposition to the State of Arizona's Petition for Certiorari in *Bahr, et al. v. EPA*, rejecting EPA's long-standing interpretation of the CAA to authorize states to meet the contingency measure requirement with "early triggered" control measures.
- 08/29 EPA's Reply in Support of Motion to Dismiss is due in *American Lung Association v. EPA*, a petition for review of EPA's final action extending the deadline for promulgating initial area designations for the 2015 ozone NAAQS.
- 08/29 Target date by which EPA should sign a final rule staying certain compliance deadlines in the steam electric rule.
- 08/29 Oral argument in *U.S. v. Robertson*, appeal relating to criminal convictions under Clean Water Act. Note that the EPA is not a party.
- 08/30 The representative sample of documents for *in camera* review and any associated supplemental briefing is due in *Hunton & Williams v. EPA*, a FOIA matter regarding a FOIA request seeking certain records related to an Approved Jurisdictional determination for the DMB Redwood City Saltworks site.
- 08/30 Reply in support of Motion to Dismiss in *Blue Water Baltimore v. EPA*, a challenge to EPA's denial of petition asking EPA to exercise its residual designation authority to require NPDES permits for commercial, industrial, and institutional sources of stormwater in Baltimore's Back Bay watershed.
- 08/31 EPA Brief in *Natural Resources Defense Council, et al. v. EPA*, a petition for review of EPA's final CAA action titled "Treatment of Data Influenced by Exceptional Events."
- 08/31 EPA Reply in Support of Motion to Stay Discovery in *Valero Energy Corporation v. EPA*, where the plaintiff alleges the EPA failed to perform non-discretionary duties which relate to defining the obligated party for the RFS program.
- 08/31 EPA's Response to Cedar Falls Utilities' Motion to Stay CSAPR Update is due in *Wisconsin v. EPA*, a petition for review of EPA's Final Rule titled "Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS."
- 08/31 Consent Decree deadline in *Center for Biological Diversity, et al. v. EPA*, a deadline suit for failure to submit and failure to act on 1997 & 2008 ozone attainment SIPs to Sign a notice of final

- rulemaking to take action on an outstanding SIP submittal for Riverside County (Coachella Valley), CA for NO_x RACT for Major Sources and VOC RACT for Major Sources.
- 08/31 Mediation call regarding remedies in *Ellis v. Keigwin*, a challenge under ESA and FIFRA to registrations of clothianidin and thiamethoxam. The court previously ruled on liability, and ordered mediation on remedy before court addresses remedy.
- 09/01 EPA's reply in support of its motion to hold the Utah regional haze litigation in abeyance in *State of Utah, et al. v. EPA*.
- 09/01 EPA's response to a Petition for Certiorari is due in *DTE v. United States*, a petition for a writ of certiorari to the 6th circuit in PSD enforcement case.
- 09/01 Consent Decree deadline in *Center for Biological Diversity, et al. v. EPA* to take final action on 4 elements of the Idaho SIP submission addressing requirements for the Logan moderate nonattainment area under the 2006 24-hour PM_{2.5} NAAQS.
- 09/01 EPA's Response to plaintiff's Motion to Amend Complaint is due in *Blue Water Baltimore v. Pruitt*, where EPA is opposing Plaintiffs' motion to amend their Complaint and reopen litigation challenging EPA's approval of Maryland's 303(d) list that was previously dismissed as moot.
- 09/06 EPA's Reply in Support of Cross-Motion for Summary Judgment is due in *Community In-Power and Development Association, et al. v. EPA*, where plaintiffs allege that EPA failed to issue standards or final residual risk determinations for various major sources of hazardous air pollutants categories and for failure to review and revise as necessary emission standards promulgated every 8 years.
- 09/07 EPA's Brief is due in *Montana Environmental Information Center v. EPA*, a petition for review of EPA's final rule: Promulgation of State Implementation Plan Revisions, Infrastructure Requirements for the 2008 Lead, 2008 Ozone, 2010 NO₂, 2010 SO₂, and 2012 PM_{2.5} National Ambient Air Quality Standards.
- 09/07 Answer is due in *NRDC v. EPA*, a FOIA litigation concerning a multi-part FOIA request submitted by Plaintiff seeking records concerning the following: (1) Nancy Beck's recusal or participation in TSCA rulemakings; (2) steps, if any, EPA took to shield Nancy Beck from TSCA rulemakings; (3) Executive Order 13770 and Nancy Beck; (4) the authority for Nancy Beck's appointment; (5) Nancy Beck's civil service status; and (6) number of employees hired as 42 U.S.C. § 300j-10 and date hired.
- 09/08 Proposed Schedules and Formats for the Briefing is due in *Samuel Masias, et al. v. EPA*, a petition for review of the Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard-Round 2.

OFFICE OF CONGRESSIONAL AND INTERGOVERNMENTAL RELATIONS**Upcoming Hot Issues and Important Deadlines**

- **August 28** Notification of Formaldehyde Compliance Date Extension Rule
- **September 5** Senate in Recess until
- **September 5** House in Recess until
- **TBD** - Senate Environment and Public Works Committee Hearing on the President's FY 2018 Budget – Agency witness: Administrator Pruitt

Upcoming Events

- **August 28** EPA staff will brief Rep. Knight's staff on the CAA California Waiver authority in response to staff questions about why CA can promulgate stricter regulations.
- **August 28** Background briefing for House T&I majority on U.S.-Mexico Border water infrastructure program w/ OW, OITA, R6, R9
- **September 6** Public hearing to be held in Washington, DC for the notice "Request for Comment on Reconsideration of the Final Determination of the Mid-term Evaluation of Greenhouse Gas Emissions Standards for Model Years 2022-2025 Light-duty Vehicles; Request for Comment on Model Year 2021 Greenhouse Gas Emissions Standards" announced August 10, 2017.
- **September 7** EPA Senior Leadership from OCIR, the Office of Land and Emergency Management (OLEM), and the Office of Water (OW) will meet with a delegation of National League of Cities leadership, including NLC President Matt Zone, Councilmember (Cleveland, OH), and Mayor Karen Freeman Wilson (Gary, IN), 2nd Vice President.
- **September 12-14** The Mississippi Rivers Cities and Towns Initiative will host its 6th Annual Meeting in St. Louis, MO. The Annual Meeting is co-hosted with the National Caucus of Environmental State Legislators. Twenty-four state legislators are expected from the ten state Mississippi River corridor.
- **September 29** Mayor Debora Fudge, Mayor of Windsor, CA will meet with the EPA. OIR will continue to work with the city's Washington representative to secure additional information on the city's projects of interest for the meeting with headquarters Program and Region IX staff.

Past Week Accomplishments

- **August 24** Ag TA call on pesticides and ESA w/OCSP, OGC

Ongoing Activities

- Continue to coordinate responses to multiple oversight letters, congressional and gubernatorial correspondence, and FOIA requests. We closed out 27 letters during the previous two weeks. We received 3 FOIA's this week.
- The OIR team is finalizing the PPG Capacity Analysis project outline and will begin a preliminary analysis to identify PPG baseline metrics to determine each state and regions' capacity. The team plans to establish these metrics by late July.
- OMB asked for comment on S.1460 the *Energy and Natural Resources Act of 2017*. The bill is the successor to Sen. Murkowski and Sen. Cantwell's legislation from the previous Congress. This bill was placed directly on the Senate Calendar for expedited floor consideration. It has 11 titles ranging from energy efficiency to conservation to infrastructure to Native American energy.
- We are working on a request from CBO about questions on HR3053 Nuclear Waste Policy Amendments Act of 2017

OFFICE OF LAND AND EMERGENCY MANAGEMENT**Hot Issues**

1. **CCR State Permit Program Guidance.** On August 10, the interim final guidance was released. EPA will accept public comments for 30 days following its Aug 15th publication in the Federal Register.
2. **Mississippi Phosphates Corp. Site (Pascagoula, MS).** Recent significant site stability issues have created the need to move toward a closure approach for the site's East Gypstack. As the closure proceeds it will likely eliminate potential re-use of the site as a fertilizer production facility. The Region, OECA, and OLEM are conferring.
3. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing.** We are working toward a meeting with OMB.
4. **Clean Air Act 112(r) Risk Management Program Rule.**
5. **Hanford Record of Decision (ROD).**
6. **Other ongoing major Superfund sites (for example, East Chicago, West Lake, Gold King Mine/Bonita Peak, Hudson River, Portland Harbor).**
7. **CERCLA-EPCRA AFO-CAFO Rule.**
8. **Definition of Solid Waste (DSW).** We are working with OGC to follow up on the DC Circuit's decision.
9. **General Electric Financial Assurance template.** We are conferring with the AO regarding this technical assistance requested by state staff.

Upcoming Public Events

1. **Hudson River Site Tour (not a public event).** On August 31, OLEM and Region 2 will participate in a boat tour of the Hudson River site with Scenic Hudson and local Chamber of Commerce representatives.

Upcoming Major Decisions

1. **Hanford ROD.** We are working with Region 10 and the AO in preparation to brief the Administrator, and regarding DOE's tribal consultation.
2. **CERCLA-EPCRA AFO-CAFO Rule.** We are conferring with the AO on next steps.
3. **E-Manifest User Fee Final Rule.** The rule package is with OMB.
4. **RMP Modernization Rule Reconsideration.** OLEM, OGC, and the AO are conferring on next steps and schedule.

Last Week Highlights

1. **Tribal Lands and Environment Forum.** The 2017 TLEF was a success, with about 435 participants, comprised of over 300 tribal participants, federal agencies, OK state commissioners, and non-profit/education institutions.

2. **Glacier Rail Park Groundbreaking.** On August 22, Patrick Davis participated in this USDOT TIGER grant project event in Kalispell, MT. The city expressed its appreciation for the EPA Area-Wide Planning grant it received that was a catalyst for redevelopment work in the area.
3. **Technical Assistance on Congressional Amendments.** OLEM is working with OECA, OGC, and OCIR on the development of technical assistance to Congressional committees on several bills that would amend the CERCLA provisions governing state and local liability, as well as amend certain sections of the law governing the brownfields grant programs.
4. **EPCRA/CERCLA Meeting.** On August 24, OLEM and OGC met with representatives of the U.S. Poultry & Egg Association to discuss Emergency Planning and Community Right to Know Act/Comprehensive Environmental Response, Compensation, and Liability Act (EPCRA/CERCLA) reporting compliance concerns following vacatur of EPA's 2008 final rule EPCRA/CERCLA Administrative Reporting Exemption for Air Releases of Hazardous Substances from Animal Waste at Farms. The meeting focused on the concerns by concentrated animal feeding operations for how to estimate emissions to comply with reporting requirements, and how EPA will address these concerns now that the DC Circuit Court has stayed the rule through November 14, 2017.

OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE**Hot Issues**

OECA Concurs on Region 8's Action to Stop the Delivery of Fuel to Tribal Tanks if Tribes Fail to Comply with Underground Storage Tank Requirements: On August 24th, OECA Acting Assistant Administrator, Larry Starfield, concurred on Region 8's plans to halt the delivery of fuel to three underground storage tanks (USTs), owned/operated by the Three Affiliated Tribes of the Mandan, Hidatsa and Arikara Nation. Region 8 is taking this action as the Tribes have failed to comply with UST financial responsibility requirements for 11 of the past 15 years despite two prior EPA enforcement actions. Once the Region issues its notices of intent to prohibit fuel delivery, the Tribes will have 30 days to correct the violations before EPA prohibits the delivery of fuel by affixing "red tags" to these tanks. If fuel delivery is halted, EPA will allow the Tribes to resume the receipt of fuel at these tanks once the Tribes comply with the UST financial responsibility requirements. The USTs are located at the Tribes' Nishu Store on the Fort Berthold Reservation. OGC and OITA concurred in this action.

Upcoming Public Events

None.

Upcoming Major Decisions

Hurricane Harvey: The hurricane is expected to make landfall in Texas in the next 24-48 hours. In the expectation that fuel shortages may result from the effects of the storm, the OCE/OTAQ Fuel Waiver team is working with Region 6 to monitor the situation and prepare to take action if an emergency fuel waiver under the Clean Air Act is requested. The fuel waiver authority has not been delegated; waivers must be signed by the Administrator.

Last Week's Highlights

Guilty Plea for Illegal Waste Dumping: On August 24th, Boasso America, Inc., a depot and transportation services company, pled guilty in the Southern District of Georgia to one count of violating RCRA. Approximately 90 drums and containers were dumped onto CSX property and at other unlicensed locations in and around Savannah, Georgia. Labels on some of the drums and containers indicated the waste was generated from Boasso America. Some of the drums contained naphthalene, a known hazardous waste. Two other individuals pled guilty to similar RCRA offenses and have been sentenced to serve nearly five years of incarceration.

RFS Registration Process Lean Project: Tony Miller, Acting Chief of the Fuels Enforcement Branch, participated in a Lean project sponsored by OAR's Office of Transportation and Air Technology (OTAQ) from August 22nd to August 24th. The project's goal is to Lean the RFS Registration process which currently has a heavy workload that has caused internal concerns about delays in processing registrations and associated industry complaints.

Meeting with NASA and Virginia DEQ: On August 16th, OECA and Region 3 hosted a meeting with the National Aeronautics and Space Administration (NASA), Virginia DEQ, OGC, and OAR to discuss NASA's request for a national security exemption to run its engines for more than 100 hours/year during rocket and satellite launches at Wallops Island Flight Facility in Virginia; the engines emit NOX, SO₂, and particulate matter, and over three quarters of their launches are for commercial purposes. EPA informed NASA that to qualify for the exemption under EPA's rules, NASA would need an endorsement from a federal agency responsible for national defense, such as DOD, and NASA would also need to explain why it needs the exemption.

OFFICE OF INTERNATIONAL AND TRIBAL AFFAIRS

Hot Issues

NAFTA Modernization – The first round of NAFTA negotiations was held in DC from August 16-20 and EPA participated in various elements of the negotiations, including Environment, Investment, Government Procurement, Technical Barriers to Trade and Good Regulatory Practices. The next round of negotiations will be held in Mexico from September 1-5, with the ambitious objective to complete a new trade agreement by the end of the year.

- One of the issues will be the future of the NAFTA environmental side agreement (North American Agreement on Environmental Cooperation) which established the Commission for Environmental Cooperation (CEC).
- OITA has met with the U.S. Trade Representative Office to discuss the role of the CEC and other environmental institutional options under the NAFTA modernization process.
- OITA also has had discussion with our Canadian and Mexico counterparts in the CEC to discuss the role of the CEC moving forward.

Upcoming Engagements

August 25 – EPA Tribal Call on the FY19 Budget

August 31 to September 6 – Administrator Mission to Australia

Past Week Highlights

Canada's Environmental Assessment Process - The Canadian Environmental Assessment Agency has released a Discussion Paper outlining a proposed approach to strengthen its environmental assessment process. OITA has prepared draft comments which are being reviewed by relevant EPA offices (OECA, OGC, and Regions bordering Canada) and the State Department. Some of the proposed changes address issues that EPA has raised in past comments on the Canadian environmental assessment process, such as:

- Fostering improved transparency and inclusiveness, including clearly communicating the basis for the governments' decisions;
- Appointing a single Canadian government agency responsible for the impact assessment process; and
- Considering cumulative impacts of projects within a geographic region;

But others issues still remain a concern, such as:

- How projects with potential transboundary impacts to a watershed or airshed will be addressed;
- Coordination on the environmental review process of transboundary projects, including projects that could impact the tribes.

EPA hosts China and UN on E-Waste Study Tour - EPA (Region 9 and OLEM) hosted a delegation from China's Ministry of Environmental Protection (MEP) and United Nations Development Program (UNDP) to learn about the management of electronic waste in the U.S. and to share experience on best practices.

- Discussions focused on federal and state regulation in the U.S., EPA's hazardous waste initiatives under international conventions, and EPA's sustainable materials management program.
- The delegation also met with experts from the California Department of Toxic Substances Control and CalRecycle to discuss the regulation of California's E-Waste programs.
- The delegation visited the California Electronic Asset Recovery, an E-Waste recycling center, to learn about the facility's processing techniques and environmentally sustainable practices.

OFFICE OF RESEARCH AND DEVELOPMENT

This week the Humane Society of the United States presented our own Bob Kavlock with the Russell and Burch Award. Bob has provided leadership in advancing computational toxicology at our Agency, including serving as the first Director of our National Center for Computational Toxicology. Helping to significantly improve chemical screening methods allows EPA to test thousands of chemicals for potential health effects, and has the potential to reduce reliance on animal testing. Bob received the award at the Tenth World Congress on Alternatives & Animal Use in the Life Sciences and the role of Computational Toxicology in advancing science and public health.

Richard Yamada and Bruce Rodan's visit to Cincinnati this week went well and they appreciated having lunch with Craig Butler, Director of Ohio EPA, and Beth Messer, Ohio EPA Chief of Drinking and Ground Waters Division. Bruce and Richard met with scientists and managers during Testing and Evaluation facilities tours.

Hot Issues

State Commissioners Visit to EPA-RTP

On August 30, ORD, in collaboration with North Carolina's Department of Environmental Quality, is hosting the Region 4 state environmental agency directors at the EPA lab in Research Triangle Park, NC. The meeting will give states the opportunity to learn about EPA research and identify opportunities for collaboration. Directors from Kentucky, North Carolina, South Carolina, Tennessee, and Virginia will attend, along with senior leadership from Region 4 and ORD. Topics to be discussed at the meeting include PFAS, emerging/unregulated drinking water contaminants, smoke emissions from wildfires/controlled burns, an early warning system for harmful algal blooms, and air sensor technology.

ORD Briefs NC DEQ on Cape Fear Basin PFAS analysis

Next week ORD will brief North Carolina Department of Environmental Quality (NC DEQ) on the results of our PFAS analyses conducted on the samples collected by NC DEQ from the Cape Fear River Basin. The results include analysis for GenX along with ORD's non-targeted analysis.

Upcoming Public Events

Small Drinking Water Systems Workshop

ORD's Small Drinking Water Systems Workshop is going well and participants appreciated the remarks provided by Richard Yamada during the opening session. The workshop has nearly 400 participants this year, representing 44 states, 4 tribal nations, 35 state drinking water programs, 17 utilities, Canada, Brazil and Israel and other federal agencies (USDA, IHS, USFWS, NIST, VA, and several branches of the military).

EPA and Choctaw Nation Study Potential Waterborne Disease

ORD researchers will train participants from EPA Region 6 and the Oklahoma Environmental Office of the Choctaw Nation on collection of saliva samples and interviews with attendees at the Choctaw Labor Day Festival. Samples will be analyzed by EPA as part of a study on waterborne infection risk evaluation funded by EPA's RARE program. Results of the study will improve understanding of the types of potentially infectious diseases in the tribal population. Information will be used by tribal environmental officials to manage drinking water plant operations and protection of drinking water sources.

Meeting with Canada

On August 28 ORD's Rusty Thomas will meet with representatives from Health Canada(HC) and Environment and Climate Change Canada (ECCC) to discuss progress on developing and implementing activities under the Regulatory Cooperation Council Risk Assessment Workplan to prioritize chemicals for potential health effects. EPA, HC, and ECCC have common goals under the Canadian Environmental

Protection Act and Toxic Substances Control Act to reduce risks to human health and the environment posed by chemicals. The Canada-U.S. collaboration in these areas will make work more effective and efficient for both governments, as they work towards joint program initiatives, and for stakeholders who will benefit from an aligned approach on chemicals management.

Science Advisory Board

The EPA Science Advisory Board (SAB) will hold a public meeting on August 29 – 30, and will cover two topics related to ORD. On August 29th, a quality review of the SAB Chemical Assessment Advisory Committee's (CAAC) report of the peer review of the draft Toxicological Review of Hexahydro-1,3,5-trinitro-1,3,5-triazine (RDX) will be conducted. On August 30th ORD will present on recent activities in the IRIS Program.

Small Business Innovation (SBIR) Phase 1 Awards

ORD is working with OPA and Regional communication leads in preparation of announcing \$1.6 million in funding for 15 small businesses receiving Small Business Innovation Research (SBIR) Phase I awards. The announcement is anticipated for Sept. 5, 2017. These contracts are awarded as part of EPA's SBIR annual two-phase competition. Companies first compete for a Phase I award of \$100,000 to develop technologies that provide sustainable solutions for environmental issues. After receiving a Phase I award, companies are eligible to compete for a Phase II award of \$300,000 to further develop and commercialize the technology.

Field studies to support cleanup at Fort Devens Superfund Site, MA

August 28-31 ORD scientists are conducting field studies to provide performance verification for groundwater remediation and to facilitate evaluation of new monitoring tools to measure groundwater seepage flux. ORD is providing technical assistance to Region 1 and the Massachusetts Dept. of Environmental Protection to investigate the impact of recently implemented remedial measures on groundwater flow and contaminant transport. Fort Devens is a former military training base with petroleum, arsenic, heavy metals, and other hazardous chemical contamination in the groundwater, soil, and sediment.

State Support: Baton Rouge, LA

On August 31, in collaboration with Region 6, ORD will conduct a Workshop on the Decision Analysis for a Sustainable Environment, Economy, and Society (DASEES) tool. This workshop is being developed and conducted for the Commissioner of Louisiana's Department of Agriculture and Forestry, Louisiana Department of Environmental Quality, Louisiana Department of Health and Hospitals, Louisiana State University, USDA Natural Resources Conservation Service, and Region 6 staff to provide participants hands on experience with the DASEES tool. This workshop is in preparation for subsequent workshops with dairy farmers to develop (1) potential options for addressing water quality problems and (2) approaches to sustainable and resilient dairy operations. The end goal is to help the farmers identify innovative and economically viable solutions for nutrient and sediment runoff control.

Last Week Highlights

Contaminated Site Remediation at St. Louis River Area of Concern

ORD scientists are collaborating this month with the U.S. Geological Survey's Mercury Laboratory and the University of Minnesota - Duluth to conduct a field study of dioxins, PCBs, and mercury bioaccumulation in the St. Louis River Area of Concern. A novel application of mercury stable isotope ratios to identify legacy sources of mercury in game fish will be used. The study provides support for planned remediation projects led by the Minnesota Pollution Control Agency (MPCA) and the Wisconsin Department of Natural Resources (DNR) and includes data for remediation site prioritization, tools for evaluating remediation options, and implementation of monitoring to assess remedy effectiveness and

Beneficial Use Impairment status. Field support will be provided by staff from the EPA Great Lakes National Program Office, EPA Region 10, MPCA, and the Wisconsin DNR.

Legislative Assistant Visits Hatfield Marine Science Center in Newport, OR

On August 10, EPA scientists briefed Sarah Round, Legislative Assistant to Representative Suzanne Bonamici (Oregon District 1) on ORD research to protect coastal water quality and shellfish and other coastal organisms, which are economically important for food and recreation. She learned how excess nutrients discharged to coastal waters can harm the environment and how ongoing research will help communities and coastal states effectively manage water quality. Ms. Round assists Rep. Bonamici with issues concerning the Science and Technology Committee, the Education and Workforce Committee, the Ocean Caucus, and the Estuary Caucus.

ORD and OLEM's Consequence Management Advisory Division (CMAD) Collaborate with DHS to Enhance Outdoor Biothreat Sampling Capabilities

Staff from ORD and CMAD travelled to Ponca City, Oklahoma from August 8-10, to begin planning a collaborative study with the US Department of Homeland Security. EPA's portion of the study will focus on the evaluation and development of environmental sampling approaches for large outdoor areas. Currently, the performance of biothreat sampling and analysis techniques is largely unknown when applied to outdoor surfaces and matrices. Response and clearance decisions hinge upon accurate sampling data, therefore an assessment of current capabilities is imperative. The results of this study will allow EPA to make strategic R&D investments to further enhance its ability to fulfill its homeland security responsibilities.

Risk Assessment Forum

On August 22, Bob Kavlock announced the appointments of 35 members to the 2018-2021 Risk Assessment Forum (RAF). The members are distributed across the Ecological Oversight Committee, Human Health Oversight Committee, and the Exposure Oversight Committee. In 2019, the RAF will begin a regular two-year rotation of half its members. Newly appointed members, as well as those candidates not selected, have received email notification.

OFFICE OF CHEMICAL SAFETY AND POLLUTION PREVENTION

Important Deadlines

TSCA New Chemicals Determinations			
Determination Type	Pending on 8/22/2017	Determinations Completed* as of 8/22/2017	Determinations Posted on the Website as of 8/22/2017
# of "not likely" determinations	1	102*****	101****
# of §5(e) Orders signed by both EPA and the submitter	-	254	248
# of §5(e) Orders signed by EPA and awaiting submitter signature	88	-	-
# of cases in Order development process	228***	-	-
# of cases flagged for in-depth review	49	-	-
# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	12	-	-
# of LVE/LOREX exemption grants	-	445	434*****
# of LVE/LOREX exemption denials	-	97	90*****
Total number of cases	378	898	-
Normal active workload for the New Chemicals Program	300	-	-
Number of cases undergoing testing or data development by submitter	79	-	-
Backlog**	-1	-	-

*"Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

** (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) = Backlog

*** Of these cases, approximately 74 are "active" lung toxicity cases that are suspended while submitters conduct testing to develop data on pchem properties and toxicity.

**** "Not Likely" determinations are not posted until the final determination document is prepared and has been shared with submitter.

***** Previous editions of this table included cases for which either an interim or a final determination of "not likely" had been made. This edition only includes cases for which a final determination has been made.

***** Different criteria had been used in editions of this table prior to May 23, 2017, for the counting of exemptions for "determinations completed" and "determinations posted." These have now been standardized.

Hot Issues**Reports of Crop Damage from Use of the Pesticide Dicamba**

The Office of Pesticide Programs (OPP) is continuing to lead efforts to assess and understand reported damage to non-target crops from the use of dicamba to control weeds in genetically-modified cotton and soybeans. On August 8 and August 15, OPP met with Monsanto and BASF to discuss possible solutions to address the unacceptable damage. Monsanto and BASF are the primary companies that market these dicamba products for “over-the-top” applications in-season. The two companies have now agreed to additional restrictions for dicamba, to be implemented in time for the 2018 growing season. These additional restrictions include: limiting applications to times when wind speeds are below 10 miles per hour, limiting the time of day during which applications can occur, lowering tractor speeds during applications, and reclassifying these products as “restricted use pesticides.” The reclassification of these products as “restricted use pesticides” will enable the states to mandate specific training for the proper use of these products and require that farmers maintain specific records regarding the use of these products, which will aid the states in any follow-up investigations they may need to conduct. On August 23, OPP consulted with the state agriculture departments on these new restrictions. EPA will continue to work with Monsanto and BASF to make the necessary changes to these registrations. We are having additional negotiation sessions with the registrants during the week of August 28th. We expect to be able to announce by the end of August an “agreement in principle” for these new restrictions, which will allow farmers to make informed choices for seed purchases for the 2018 growing season.

Upcoming Decisions

N/A

Upcoming Public Events

N/A

Last Week Highlights**Announcement: Upcoming Meeting of the Chemical Data Reporting (CDR) Inorganic Byproducts Negotiated Rulemaking Committee**

On Friday, August 18, the EPA published notice of the details of two upcoming meetings of the CDR Inorganic Byproducts Negotiated Rulemaking Committee. The meetings will be held September 13-14, 2017 and October 25-26, 2017. Both meetings are open to the public. The CDR Committee was established under the Negotiated Rulemaking Act as indicated in a Federal Register notice of December 15, 2016, and required by section 8(a)(6) of the Toxic Substances Control Act, as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act.

OFFICE OF ADMINISTRATION AND RESOURCES MANAGEMENT***Hot Issues***

AFGE Investigation

On Thursday, August 24, 2017, OARM's labor and employee relations division will launch an official investigation regarding AFGE's use of official time at their annual training conference. The investigation stems from an email indicating AFGE was capturing video during the conference, which was not a previously approved use of official time.

VERA/VSIP

OARM issued official VERA/VSIP offers on August 9, 2017 to 481 individuals who submitted an application to participate in VERA/VSIP. To date, 358 have accepted and 46 have declined. The deadline for leaving the agency is September 2, 2017.

Headquarters Off-boarding Events

OARM, OCFO and OEI will be partnering to streamline the off-boarding process for headquarters employees taking the VERA/VSIP by holding two one-day events on August 23rd and 30th. Participants will complete the off-boarding requirements on EPA Form 3110-1 (Personnel Separation Checklist).

EPA SES Recertification

OARM sent the EPA SES Appraisal System Recertification request to OPM last week. The agency is required to recertify this program biannually to OPM. The EPA's current certification expires on September 8, 2017.

Next Steps: OPM will schedule a panel for EPA to discuss with them our recertification request.

Upcoming Public Events

Suicide Prevention Awareness Month

OARM is coordinating two events (on September 12th & 14th) in recognition of suicide prevention awareness month. A representative of the American Foundation for Suicide Prevention and the Department of Behavioral Health will be onsite to discuss the topic and answer questions.

Upcoming Major Decisions

None

Last Week's Highlights

Suspension and Debarment Actions

On August 17, 2017, the EPA Suspension and Debarment Official (SDO) issued Notices of Suspension to David Dunham, Jr., Ralph Tommaso, and six companies with whom they are affiliated (Smarter Fuel, Inc., Environmental Energy Recycling Corp., LLC, Greenworks Holdings, LLC, Smarter Fuel South, LLC, AMERISTAR Biofuels, LLC, and DEL-CON Trucking, LLC). In December 2015, Dunham and Tommaso, as participants in the Renewable Fuel Standard Program (RFS-2), were charged in the U.S. District Court for the Eastern District of Pennsylvania with conspiracy, wire fraud, obstructing a federal investigation, obstructing the IRS, false statement, and false tax filings. The suspensions serve to protect federal procurement and non-procurement programs until completion of the legal proceedings. The respondents have been provided with notice of the suspensions and will have an opportunity to respond.

OFFICE OF ENVIRONMENTAL INFORMATION***Last Week's Highlights*****New version of EJSCREEN Released**

- **Brief description:** The EPA released a new version of EJSCREEN on August 16, including the most up-to-date demographic and environmental data available. It also includes new features based on feedback from users.
- **Who benefits or cares:** The EPA's federal, tribal, state and local government partners; nonprofit and community groups; business and industry; academia; and the general public.
- **Why this is important:** EJSCREEN is an environmental justice mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators. Consistently updating the tool allows the audience for EJSCREEN's use to continue to grow. Since its release, EJSCREEN has been viewed over 211,000 times, and it proves to be one of EPA's most popular tools for the public's use.
- **Additional information:**
 - EJSCREEN was developed by the Office of Environmental Information (OEI), the Office of Enforcement and Compliance Assurance (OECA) and the Office of Environmental Justice (OEJ).
 - To help users better understand the tool and its updates, the EPA hosted a webinar with EJSCREEN experts on August 21, and is hosting two more on September 7 and September 14.